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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,339	01/23/2001	Tzu-Feng Tseng	JCLA6556	3301

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J.C. PATENTS, INC.
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EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,339

Applicant(s)

TSENG ET AL.

Examiner

Michael J Simitoski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1,4 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are pending.

Drawings

2. The drawings are objected to because
 - a. In Fig. 3, each numerical label should be preceded by an S, for example, "300" should be "S300" for consistency with the written description.
 - b. In Fig. 6, step S602, "REGIONOF" should be replaced with "REGION OF".

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: On page 5, line 20, "step 306" should be replaced with "step S306".

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: "storing up" in lines 7, 9 & 11 should be replaced with "storing".

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5. Claim 4 is objected to because of the following informalities:
 - c. “displaying of” in line 3, page 10 should be replaced with “displaying”.
 - d. “data recording-region” in lines 5-6, page 10 should be replaced with “data-recording region”.
6. Claim 10 is objected to because of the following informalities: “storing up” in lines 3, 5 & 7 should be replaced with “storing”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1-15, the “boot region” claimed is not described in the specification, but is rather merely recited, and it is unclear as to what particular part of a disc it is referring. For the purposes of this Office Action, the “boot region” is understood to mean an area other than the data area on the disc.

Regarding claims 10-15, the specification does not describe “displaying the content of the first data content table”, but rather discloses displaying data on the disk which corresponds to

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data in the content table. For the purposes of this Office Action, this limitation will be understood as “displaying the data corresponding to the first data content table”.

Regarding claims 4-9, claim 4 recites “removing the data corresponding to a second data content table”, but the specification discloses that it is the content of the second data content table, rather than the data corresponding to it (the actual data, in the data-recording region, to which the content table refers) that is removed. For the purposes of this Office Action, “removing the data corresponding to a second data content table” will be understood to mean “removing the content of the second data content table”.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 recites the limitation "the actual data" in lines 9, 14 & 15 (of page 9). There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation "the data-recording region" in line 9 (of page 9). There is insufficient antecedent basis for this limitation in the claim.

13. Claim 1 recites the limitation “the information for accessing a portion of the actual data” in lines 14-15 (of page 9). There is insufficient antecedent basis for this limitation in the claim.

14. Claim 4, is unclear because it is unclear how “remaining data” can be in the data-recording region, because the removed data is in the boot region.

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15. Claim 4 recites the limitation “the displayable data recording-region” in lines 5-6 (of page 10). There is insufficient antecedent basis for this limitation in the claim.
16. Claim 5 recites the limitation “the actual data” in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.
17. Claim 7 recites the limitation “the related data” in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 8 recites the limitation “the related data” in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
19. Claim 10 recites the limitation “the actual data” in line 5 (of page 10). There is insufficient antecedent basis for this limitation in the claim.
20. Claim 10 recites the limitation “the data-recording region” in lines 5, 13 & 15-16 (of page 10). There is insufficient antecedent basis for this limitation in the claim.
21. Claim 10 recites the limitation “the related data” in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
22. Claim 12 is unclear because claim 10 includes the method step of “removing the content in the second data content table”; claim 12 further include the step of displaying only a portion of the data, but the specification suggests that the first content table (which is remaining after the second is removed) gives the user access to all the data.
23. Claim 13 recites the limitation “the related data” in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 1-15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,360,945 to Drew in view of "How to Create a Mixed-Partition CD-ROM" by Roberts in further view of "Rescuing Deleted Files in Windows 3.1, Part 1" by Johnson.

Regarding claims 1, 10, 13 & 14, Drew discloses dividing the boot region of an disk into a first sub-boot region/(partition table and security partition data location) and a second sub-boot region/(security partition data only) (col. 3, lines 13-28), storing the content of a first data content table/(partition table and security partition data) in the first sub-boot region/(partition table and security partition data location) (col. 3, lines 4-24), storing the actual data in the data-recording region/partition of the disk (col. 1, lines 18-31 & col. 2, lines 55-65), storing the content of a second data content table/(security partition data) in the second sub-boot region/(security partition) (col. 3, lines 4-44), and removing/(hiding) the content in the second data content table/(security partition data) from the content in the first data content table/(real and hidden data), displaying/utilizing the content of the first data content table after removing the content in the second data content table (col. 2, lines 55-65), searching out the data in the data-recording region that corresponds to the remaining content in the first data content table (all data) and permitting the second user/ATM (Fig. 1) to access the data in the data-recording region that corresponds to the remaining content in the first data content table/(all data) (col. 3, lines 4-44).

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Drew does not specifically disclose the steps of displaying and searching, however, Drew discloses that the purpose of the invention is to prevent a normal system from being able to access the device (col. 1, lines 15-24). Further, Drew discloses that the content is displayed to the ATM, if the ATM is a valid ATM (col. 3, lines 1-5 & 24-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the data in the remaining content table, search the corresponding data accessible to the user and permit access. One of ordinary skill in the art would have been motivated to perform such a modification to prevent a normal (unauthorized in the Drew reference) system from being able to access the device, as taught by Drew (col. 1, lines 15-24, Fig. 1 & col. 3, lines 1-44). As modified, Drew lacks an optical disk. However, Roberts teaches that developers use multiple partitions on CDs to distribute files (pages 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an optical disk. One of ordinary skill in the art would have been motivated to perform such a modification to distribute files, as taught by Roberts (pages 1-2). As modified, Drew lacks removing (rather than hiding) the content from the second content table. However, Johnson teaches that removing file entries from a file allocation table (which acts as a map of addresses to files) renders the file unknown to the operating system (page 1, ¶4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to remove the content from the second content data table. One of ordinary skill in the art would have been motivated to perform such a modification to make the data corresponding to the second content data table unknown to an invalid user, as taught by Johnson (page 1, ¶4).

Regarding claims 4, 7 & 8, Drew discloses storing the content of a first data content table/(partition table and security partition data) in the first sub-boot region/(partition table and security partition data location) (col. 3, lines 4-24), storing the actual data in the data-recording region/partition of the disk, storing the content of a second data content table/(security partition data) in the second sub-boot region/(security partition) (col. 3, lines 4-44), displaying actual data corresponding to the first data content table and permitting a user to access data in the displayable data region (Fig. 6(b)). Drew discloses that the purpose of the invention is to prevent a normal system from being able to access the device (col. 1, lines 15-24). Further, Drew discloses that the content is displayed to the ATM, if the ATM is a valid ATM (col. 3, lines 1-5 & 24-44). Drew lacks an optical disk. However, Roberts teaches that developers use multiple partitions on CDs to distribute files (pages 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an optical disk. One of ordinary skill in the art would have been motivated to perform such a modification to distribute files, as taught by Roberts (pages 1-2). As modified, Drew lacks removing (rather than hiding) the content from the second content table. However, Johnson teaches that removing file entries from a file allocation table (which acts as a map of addresses to files) renders the file unknown to the operating system (page 1, ¶4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to remove the content from the second content data table. One of ordinary skill in the art would have been motivated to perform such a modification to make the data corresponding to the second content data table unknown to an invalid user, as taught by Johnson (page 1, ¶4).

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Regarding claims 2, 5 & 11, Drew lacks explicit disclosure of document, image and photographic data. However, the examiner takes Official Notice that distributing documents, images and photographs on optical discs is old and well established in the art of software distribution as a method of selling software packages. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include document, image and photographic data. One of ordinary skill in the art would have been motivated to perform such a modification to sell and distribute software packages. This advantage is well known to those skilled in the art.

Regarding claims 6 & 12, Drew discloses finding the authority level of a second user/ATM and permitting access if the user has the appropriate authority level/valid operating system and displaying only a portion of the data/data without hidden partition if the user does not have the appropriate authority level/invalid operating system (col. 1, lines 17-23 & col. 2, line 55 – col. 3, line 44).

Regarding claims 3, 9 & 15, Drew discloses the related data including a plurality of addresses/where partition is located, a plurality of data lengths/how big the partition is and a plurality of data attributes/whether the partition can be used to boot the system, for each partition defined (col. 2, lines 42-54).

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (703)305-8191.

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The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703)308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703)746-7239 (for formal communications intended for entry)

Or:

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

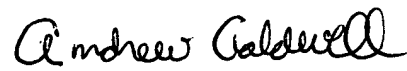
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJS
July 28, 2004


Andrew Caldwell